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Letter dated 19 November 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the text of a letter dated 17 November 2004 from the Secretary-General of the North Atlantic Treaty Organization, Mr. Jaap de Hoop Scheffer, to the High Representative of the European Union, Mr. Javier Solana (see annex).

It would be appreciated if the present letter and its annex could be distributed as a document of the Security Council.

(*Signed*) Wolfgang **Trautwein**
Chargé d'affaires a.i.

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Annex to the letter dated 19 November 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the President of the Security Council

Letter dated 17 November 2004 from the Secretary-General of the North Atlantic Treaty Organization to the High Representative of the European Union

I welcome progress on planning for the North Atlantic Treaty Organization (NATO) presence and the European Union (EU) military operation in Bosnia. I am writing to confirm how the Alliance intends to contribute, based on the decisions NATO has taken and the extensive contacts with EU.

We are agreed that NATO and EU will both have access to the full authorities under Annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina. I confirm that NATO will act on the basis of the June 2004 Istanbul Summit communiqué, and other NATO decisions I have communicated to you. Accordingly, the principal task of NATO headquarters Sarajevo will be to undertake advice in defence reform, in particular coordination of potential Partnership for Peace programme-related activities. In close coordination with the envisaged European Union Force (EUFOR) mission, NATO headquarters Sarajevo will also undertake certain operational supporting tasks: counter-terrorism while ensuring force protection; support to the International Criminal Tribunal for the Former Yugoslavia with regard to the detention of persons indicted for war crimes; and intelligence-sharing with EU, NATO, acting through its Senior Military Representative will exercise its authorities only when necessary to fulfil its tasks, including for force protection. NATO headquarters Sarajevo will also assess progress towards the fulfilment of the objectives mentioned in Annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina that are relevant to the tasks mentioned above. A copy of the relevant extract of the Istanbul communiqué is attached (see enclosure).

It is my understanding that EUFOR will act on the basis of Council Joint Action 11226/1/04 of 12 July 2004, and other EU decisions that you have communicated to me. It is understood by NATO, therefore, that the envisaged EUFOR mission will have full authority, exercised through its Force Commander, to fulfil the roles specified in Annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina and to monitor implementation of the military aspects of the Framework Agreement and to assess, and address, non-compliance by the parties. NATO welcomes the fact that EUFOR will thus have the main peace stabilization role under Dayton.

We have agreed that it will be the responsibility of the Deputy Supreme Allied Command Europe, who has been designated as the EUFOR Operation Commander, to ensure the effective implementation of the delineation arrangements between NATO and EU operational tasks in Bosnia and Herzegovina.

Both NATO headquarters and EUFOR will be legal successors to the Stabilization Force (SFOR) for the fulfilment of their missions. To the extent that there may be existing or future liabilities relating to the SFOR mission or the EUFOR mission, these will be the subject of separate NATO and EU technical discussions: NATO should continue to be held responsible for any liabilities

incurred by SFOR, and NATO should not be held responsible for liabilities incurred by EUFOR.

As agreed, a copy of this letter has been sent to the President of the Security Council.

(*Signed*) **Jaap de Hoop Scheffer**

Enclosure

Extract from the Istanbul Summit communiqué, issued by the Heads of State and Government participating in the meeting of the North Atlantic Council held in Istanbul on 28 June 2004

8. As the security situation in Bosnia and Herzegovina has evolved positively, we have decided to conclude the Alliance's successful Stabilization Force operation by the end of this year. We welcome the readiness of the European Union to deploy a new and distinct United Nations-mandated robust Chapter VII mission in the country, based on the Berlin arrangements agreed between our two organizations, and look forward to continued close cooperation. The long-term political commitment of NATO to Bosnia and Herzegovina remains unchanged and the establishment of a NATO headquarters will constitute the residual military presence of NATO in the country. NATO headquarters Sarajevo, which has the principal task of providing advice on defence reform, will also undertake certain operational supporting tasks, such as counter-terrorism while ensuring force protection; supporting the International Criminal Tribunal for the Former Yugoslavia, within means and capabilities, with regard to the detention of persons indicted for war crimes; and intelligence-sharing with the European Union. The Dayton/Paris Accords remain in force as the basis for peace and stability in Bosnia and Herzegovina.